

Amendment No. 1 to HB0086

Sexton C
Signature of Sponsor

AMEND Senate Bill No. 97*

House Bill No. 86

by deleting Sections 3 and 4 of the bill as introduced and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 63-10-204, is amended by deleting subdivisions (15) and (45) and substituting instead the following:

(15) "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or receipt of a product, or the arrangement of the sale, purchase, trade, delivery, handling, storage, or receipt of a product through third parties; provided, that "distribute" or "distribution" does not include dispensing or administering a product pursuant to a prescription, medical order, or an over the counter order. For the purposes of this part, transfers and sales of drugs or devices from one licensed pharmacy to another shall not constitute distribution of drugs or devices;

(45) "Wholesaler" or "wholesale distributor" means a person primarily engaged in the wholesale distribution of drugs or devices; provided, that "wholesaler" or "wholesale distributor" does not include licensed third-party logistics providers. For the purposes of this part, transfers and sales of drugs or devices from one licensed pharmacy to another shall not constitute wholesale distribution of drugs or devices.

SECTION 4. Tennessee Code Annotated, Section 63-10-204, is further amended by inserting the following language as new, appropriately designated subdivisions:

() "Distributor" means a person engaged in the distribution of drugs or devices; provided, that "distributor" does not include licensed wholesale distributors or licensed third-party logistics providers;

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() “Outsourcing facility” means a facility engaged in the compounding of sterile drugs which has elected to register as an outsourcing facility with the U.S. food and drug administration and which complies with all relevant federal laws and regulations;

() “Third-party logistics provider” means a person that provides or coordinates warehousing or other logistics services of a drug or device on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device, but does not take ownership of the drug or device, nor has responsibility to direct the sale or disposition of the drug or device;

() “Wholesale distribution” means the distribution of a drug or device to persons other than the patient or consumer, or the receipt of a drug or device by persons other than the patient or consumer; provided, that “wholesale distribution” does not include the distribution or receipt of products, transactions, or services that are exempted from this definition by rule. For the purposes of this part, transfers and sales of drugs or devices from one licensed pharmacy to another shall not constitute wholesale distribution of drugs or devices;